

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CR-60159-DIMITROULEAS

UNITED STATES OF AMERICA,

vs.

JEREMY KLEIN,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court upon the Unopposed Motion of the United States of America (the “United States”) for entry of a Preliminary Order of Forfeiture (“Motion”) against Defendant Jeremy Klein (the “Defendant”). The Court has considered the Motion, is otherwise advised in the premises, and finds as follows:

1. On July 18, 2022, the United States filed a one-count Information, which charged the Defendant with conspiracy to commit health care fraud in violation of 18 U.S.C. § 1349. *See* Information, ECF No. 1. The Information also contained forfeiture allegations. *See id.* at 5-6.

2. On August 31, 2022, the Court accepted the Defendant’s guilty plea to Count 1 of the Information. *See* Minute Entry, ECF No. 10; Plea Agreement, ECF No. 12. As part of the guilty plea, the Defendant agreed to a forfeiture money judgment in the amount of \$3,058,441 in United States currency. *See* Plea Agreement ¶ 17.

3. In support of the guilty plea, the Defendant executed a Factual Proffer, and the Court found there was a factual basis to support the Defendant’s conviction. *See* Factual Proffer, ECF No. 11.

4. According to the Factual Proffer, the Defendant, along with his co-conspirators, owned and operated Xpresso Pharmacy and BOH Pharmacy that were used to defraud Medicare.

Medicare paid \$6,116,882.00 in U.S. currency as a result of false and fraudulent claims submitted between January 2019 and June 2021 by Xpresso Pharmacy and BOH Pharmacy. Based on the declaration submitted by FBI Special Agent Eric Petersen, “the Defendant had a 50% ownership interest in Xpresso Pharmacy and BOH Pharmacy, receiving 50% or \$3,058,441.00 of the \$6,116,882.00 that Medicare paid out to Xpresso Pharmacy and BOH Pharmacy.” (S/A Petersen Decl. accompanying United States’ Motion for the entry of a Preliminary Order of Forfeiture).

Accordingly, based on the foregoing, the evidence in the record, and for good cause shown, the United States’ Unopposed Motion is **GRANTED**, and it is hereby **ORDERED** that:

1. Pursuant to 18 U.S.C. § 982(a)(7), 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, a forfeiture money judgment in the amount of \$3,058,441.00 is hereby entered against the Defendant.

2. The United States is authorized to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, and to resolve any third-party petition, pursuant to Rule 32.2(b)(3), (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order is final as to the Defendant.

4. The Court shall retain jurisdiction in this matter for the purpose of enforcing this Order, and pursuant to Rule 32.2(e)(1) of the Federal Rules of Criminal Procedure, shall amend this Order, or enter other orders as necessary, to forfeit additional specific property when identified.

DONE AND ORDERED in Fort Lauderdale, Florida, this ____ day of October 2022.

WILLIAM P. DIMITROULEAS
UNITED STATES DISTRICT JUDGE